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ANN BAVENDER*
ANNE GOODWIN CRUMP*
VINCENT J. CURTIS, JR.
RICHARD J. ESTEVEZ
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FRANK R. JAZZO
ANDREW S. KERSTING*
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HARRY C. MARTIN
GEORGE PETRUTSAS
LEONARD R. RAISH
JAMES P. RILEY
KATHLEEN VICTORY
HOWARD M. WEISS

* NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ARLINGTON, VIRGINIA 22209-3801

(703) 812-0400

TELECOPIER

(703) 812-0486

INTERNET

office@fhh-telcomlaw.com

FRANK U. FLETCHER
(1939-1985)
ROBERT L. HEALD
(1956-1983)
PAUL D.P. SPEARMAN
(1938-1982)
FRANK ROBERSON
(1936-1981)
RUSSELL ROWELL
(1948-1977)

RETIRED
EDWARD F. KENEHAN

CONSULTANT FOR INTERNATIONAL AND
INTERGOVERNMENTAL AFFAIRS
SHELDON J. KRYS
U. S. AMBASSADOR (ret.)

OF COUNSEL
EDWARD A. CAINE*
MITCHELL LAZARUS*
EDWARD S. O'NEILL*
JOHN JOSEPH SMITH*

WRITER'S DIRECT

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

April 20, 1998

BY HAND DELIVERY

Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

Re: Advanced Television Systems and Their Impact
Upon the Existing Television Broadcast Service
MM Docket No. 87-268

Dear Ms. Salas:

Transmitted herewith on behalf of Pappas Telecasting of America, A California Limited Partnership, are an original and four copies of its "Petition for Reconsideration," which is being filed in response to the Commission's *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order*, FCC 98-24 (released February 23, 1998), in the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate directly with this office.

Very truly yours,



Andrew S. Kersting
Counsel for Pappas Telecasting of America,
A California Limited Partnership

Enclosures

cc (w/ encl.): Certificate of Service (by hand & first-class mail)

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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APR 20 1998
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Advanced Television Systems)
and Their Impact Upon the Existing) MM Docket No. 87-268
Television Broadcast Service)

To: The Commission

PETITION FOR RECONSIDERATION

Pappas Telecasting of America, A California Limited Partnership ("Pappas"), by its counsel, hereby seeks reconsideration of the Commission's *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order*, FCC 98-24 (released February 23, 1998) ("MO&O"), in the above-captioned proceeding. In support of this petition, the following is stated:

I. Background.

On July 22, 1996, Pappas filed an application for a new television station to operate on Channel 23 at Charleston, West Virginia (File No. BPCT-960722KO).¹

In its *Sixth Report and Order* in this proceeding, 12 FCC Rcd 14588 (1997), the Commission noted that, in its *Sixth Further Notice of Proposed Rulemaking*, it stated that it would not accept additional applications for new NTSC stations that were filed after September 20, 1996.² The

¹ Pappas' application included a request for waiver of the Commission's order in *Advanced Television Systems and Their Impact on the Existing Television Broadcast Service*, RM-5811, 1987 FCC LEXIS 3477 (July 17, 1987), 52 Fed.Reg. 28346 (1987) ("Freeze Order").

² See *Sixth Further Notice of Proposed Rulemaking*, 11 FCC Rcd 10968, 10992 ¶60 (1996) ("Sixth Further Notice"). Specifically, the Commission stated that it would not accept additional applications for NTSC stations that were filed after 30 days from the publication of the
(continued...)

Commission also noted, however, that it would continue to process applications already on file and those that were filed on or before September 20, 1996, because the Commission did not believe that these applications would have a "significant negative impact" on the development of the DTV Table of Allotments. *Sixth Report and Order*, 12 FCC Rcd at 14635, ¶104. In addition, the Commission stated that when applications for new stations were accepted for filing, it would continue its practice of issuing cut-off lists announcing the opportunity to file competing, mutually-exclusive applications.³

II. The *MO&O* Failed to Protect Pappas' Pending NTSC Application for Channel 23 at Charleston.

In its recent *MO&O*, the Commission repeatedly confirmed that it fully intended to protect pending NTSC applications filed by the September 20, 1996, deadline. *See, e.g., MO&O* at ¶¶571, 575, 608, 627. Nevertheless, the DTV Table set forth in the *MO&O* fails to protect Pappas' pending NTSC application for the Channel 23 facility at Charleston because it is significantly short-spaced to a co-channel DTV allotment at Huntington, West Virginia. As stated above, Pappas' application for the NTSC Channel 23 facility at Charleston was on file long before the September 20, 1996, filing deadline. The Commission's failure to protect Pappas' pending NTSC application is inconsistent with the statements the Commission made in its *Sixth Further Notice* and *Sixth Report and Order*, and the Commission neglected to provide any explanation for its failure to consider Pappas' pending application in establishing the DTV Table. Therefore, for this reason alone, the

²(...continued)

Sixth Further Notice in the Federal Register. A summary of the *Sixth Further Notice* was published in the Federal Register on August 21, 1996. *See* 61 Fed.Reg. 43209 (1996).

³ *Report and Order*, ¶104; *Sixth Further Notice*, ¶60.

DTV Table contained in the *MO&O* should be revised to accommodate the existing NTSC allotment of Channel 23 at Charleston, West Virginia, and Pappas' pending application for that facility.

III. The Commission Should Substitute DTV Channel 2 for the DTV Channel 23 Allotment at Huntington, West Virginia, or, Alternatively, Pappas Should be Permitted to Amend Its Pending NTSC Application to Specify an Available Alternative Channel.

As stated above, the NTSC allotment of Channel 23 at Charleston, West Virginia is short-spaced to a co-channel DTV allotment for Station WSAZ-TV, Huntington, West Virginia. Assuming, *arguendo*, the Commission should determine that its failure to consider Pappas' pending NTSC application for the Channel 23 facility at Charleston does not constitute a sufficient basis, in itself, for granting reconsideration of the allotment of DTV Channel 23 to Huntington, the Commission has stated throughout this proceeding that it intends to give broadcasters the flexibility to develop alternative allotment plans where they do not result in additional interference to other stations and/or allotments. In order to accommodate Pappas' pending application for the NTSC Channel 23 facility at Charleston, Pappas respectfully requests that the Commission change the DTV allotment for Station WSAZ-TV, Huntington, from Channel 23 to Channel 2. As demonstrated in the attached engineering materials, the substitution of DTV Channel 2 for Channel 23 at Huntington would improve the service area replication of Station WSAZ-TV from 99.8% to 100%, and would result in only negligible interference to other digital or NTSC facilities (less than 0.05%).

Alternatively, in the event the Commission elects not to substitute DTV Channel 2 for Channel 23 at Huntington, Pappas requests that it be permitted to amend its pending NTSC application to specify operation either on Channel 55 or 58. As shown in the attached engineering

materials, operation on either of these NTSC channels will not cause interference to any DTV facility.

The proposed substitution of DTV Channel 2 for Channel 23 at Huntington, or, alternatively, permitting Pappas to amend its pending NTSC application to specify operation on either of the available alternative channels at Charleston, would effectuate the Commission's pronouncements in its *Sixth Further Notice* and *Sixth Report and Order* that it would protect those pending NTSC applications that were filed on or before September 20, 1996.

IV. The Proposals Set Forth Herein Would Provide Substantial Public Interest Benefits.

The proposed substitution of DTV Channel 2 for Channel 23 at Huntington, or permitting Pappas to amend its NTSC application to specify operation on one of the available alternative NTSC channels, would serve the public interest by promoting the emergence and development of new networks.⁴ As far back as 1941, when the Commission adopted its Chain Broadcasting Rules,⁵ a

⁴ Pappas' application for the Charleston facility was filed in tandem with a series of other applications which, together, cover many of the top 100 markets in which there are no full power television stations to primarily affiliate with The WB Television Network ("The WB"), with whom these respective applicants have existing affiliations. Although there is no commitment on the part of either the applicants or The WB to enter into an affiliation agreement, The WB has indicated a willingness to enter into an affiliation agreement with these applicants in the event they are successful in acquiring a station in their respective communities. It should be made clear, however, that the public interest benefit of promoting an emerging network will be achieved regardless of which applicant ultimately acquires the construction permit. The important element is that the NTSC allotment be preserved and that the station become operational and available for affiliation. By the same token, the public interest benefit of promoting emerging networks is served regardless of whether it is The WB or some other new network that gains a primary affiliate in a top 100 market.

⁵ See *Report on Chain Broadcasting*, Commission Order No. 37, Docket 5060 (May 1941) at 88 ("*Report on Chain Broadcasting*"); *Amendment of Part 73 of the Commission's Rules and Regulations with Respect to Competition and Responsibility in Network Television* (continued...)

primary goal of the Commission was to remove barriers that would inhibit the development of new networks. The Commission explained that the Chain Broadcasting Rules were intended to “foster and strengthen broadcasting by opening up the field to competition. An open door to networks will stimulate the old and encourage the new.” *Report on Chain Broadcasting* at 88.

The successful emergence of new networks, however, depends in large part upon their ability to attract and retain local affiliates, which is the life blood of any national network. Moreover, for emerging networks, it is critical that they be afforded the opportunity to compete for affiliates as quickly as possible. Indeed, the large financial losses that confront any national network in its initial years of operation can be stemmed only by obtaining additional affiliates to carry the emerging network’s programming. In many markets, however, there simply are not enough stations to provide affiliates for emerging networks in addition to those of the more established networks. Thus, the Commission should make the requested change in the DTV Table which, by permitting an additional broadcast station to serve the Charleston television market, will help promote emerging networks.

Although the Commission has noted that it is not its function to assure competitive equality in any given market, it has acknowledged its “duty at least to take such actions as will create greater opportunities for more effective competition among the networks in major markets.”⁶ The history

⁵(...continued)

Broadcasting, 25 FCC 2d 318, 333 (1970); *Fox Broadcasting Co. Request for Temporary Waiver of Certain Provisions of 47 C.F.R. §73.658*, 5 FCC Rcd 3211, 3211 n.9 (1990), (citing, Network Inquiry Special Staff, *New Television Networks: Entry, Jurisdiction, Ownership, and Regulation* (Vol. 1 Oct. 1980)), waiver extended, 6 FCC Rcd 2622 (1991).

⁶ See, e.g., *Television Broadcasters, Inc.*, 4 RR 2d 119, 123 (1965) (Commission granted a short-spacing waiver to an ABC affiliate based largely upon its finding that the station had inferior facilities compared to those available to other national networks in the market, which resulted in a “serious competitive imbalance”), *recon. granted in part on other grounds*, 5 RR 2d (continued...)

of the Commission's financial interest and syndication ("finsyn") rules provides a good illustration of how the Commission has remained steadfast in its commitment to the goal of nurturing new networks. In 1970, when the Commission first adopted the finsyn rule, it noted that "[e]ncouragement of the development of additional networks to supplement or compete with existing networks is a desirable object and has long been the policy of this Commission." *Competition and Responsibility in Network Television Broadcasting*, 25 FCC 2d at 333. More than two decades later, when the Commission first relaxed and later eliminated the finsyn rule, it did so at the behest of the then-newest network entrant, Fox.⁷ The FCC's goal of fostering new networks also is reflected in the Commission's relaxation of its multiple ownership rules. *See Amendment of Section 73.3555 of the Commission's Rules Relating to Multiple Ownership of AM, FM, and Television Broadcast*

⁶(...continued)

155 (1965); *New Orleans Television Corp.*, 23 RR 1113 (1962) (short-spacing waiver granted for the purpose of assuring the existence of a third truly competitive station in the market, thereby making available competitive facilities to the networks).

⁷ Pending its review of the finsyn rule, the Commission granted Fox's request for a limited waiver of the rule. *Fox Broadcasting Co.*, 5 FCC Rcd at 3211 (1990). As Commissioner Duggan explained, "Fox has been a bright and innovative force. The existence of a fourth network is certainly in the public interest. . . . Fox deserves to be encouraged." *Broadcasting & Cable*, May 7, 1990, ed., p. 28; accord, *Application of Fox Television Stations, Inc. for Renewal of License of Station WNYW-TV, New York, New York*, 10 FCC Rcd 8502, 8528-29 (1995) (Commissioner Quello stating in his concurring statement, "I believe . . . that the creation of the fourth network was a compelling public interest goal."). Similarly, in deciding to phase out the finsyn rule entirely in 1995, the Commission evaluated the rule's impact on "[t]he overall business practices of emerging networks, such as Fox, in the network television and syndication business . . . [and t]he growth of additional networks, including the development of Fox and its position vis-à-vis the three major networks." *Evaluation of Syndication and Financial Interest Rules*, 10 FCC Rcd 12165, 12166 (1995).

Stations, 100 FCC 2d 17, 50 (1984) (relaxing restrictions on multiple ownership advances the Commission's diversity goal by providing alternatives to the three television networks).

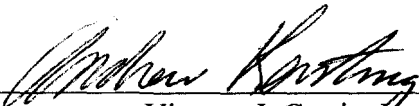
The Commission also has crafted other rules and granted a variety of waivers designed to foster the development of new networks over the years. In 1967, for example, the Commission granted a waiver of the dual network rule to ABC, the then-new network entrant, in connection with ABC's four new specialized radio networks. Although operation of the four networks violated the dual network rule, the Commission nevertheless concluded that waiver of the rule was appropriate because ABC's proposal "merits encouragement as a new and imaginative approach to networking." *Proposal of American Broadcasting Cos., Inc. to Establish Four New Specialized "American Radio Networks,"* 11 FCC 2d 163, 168 (1967). The Commission explained that it was "of more than usual importance to encourage to the extent possible innovation and experimentation in the operation of networks." *Id.* at 165.

As these examples illustrate, the Commission has remained steadfast in its commitment to the goal of encouraging new networks. Indeed, the Commission has consistently concluded for more than fifty years that the development of new networks -- with the accompanying diversity of viewpoint that they bring -- serves the public interest. In order for emerging networks to survive, however, it is imperative that they be afforded the opportunity to compete for additional local affiliates. The requested change in the DTV Table of Allotments will help facilitate the Commission's longstanding interest in promoting the emergence of new networks by providing an additional broadcast station with which to affiliate in the Charleston market.

WHEREFORE, in light of the foregoing, Pappas Telecasting of America, A California Limited Partnership, respectfully requests that the Commission GRANT reconsideration of its *MO&O* by substituting DTV Channel 2 for Channel 23 at Huntington, West Virginia, or, alternatively, permit Pappas to amend its pending NTSC application to specify operation on either of the available alternative channels specified above.

Respectfully submitted,

PAPPAS TELECASTING OF AMERICA,
A CALIFORNIA LIMITED PARTNERSHIP

By: 

Vincent J. Curtis, Jr.
Andrew S. Kersting

Its Counsel

Fletcher, Heald & Hildreth, P.L.C.
1300 N. Seventeenth Street, 11th Floor
Arlington, Virginia 22209
(703) 812-0400

April 20, 1998

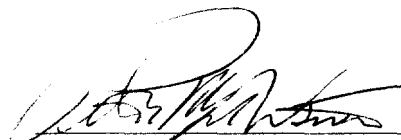
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Engineering Statement
Charleston, WV Channel 23
Wes, Inc. Broadcast Consultants

The program used to demonstrate interference and service replication percentages in this study was the OET FLR program, OET Bulletin 69, running on our own Sun Microsystems computers. These computers have been verified to give identical results to the runs generated by OET. The spacing programs are our own proprietary programs utilizing the FCC broadcast database and DTV database.

Due to a digital channel Channel 23 being assigned to Huntington, WV 23.3 km away, a study was conducted to propose moving the digital channel 23 to channel 2. The study showed that it would receive a 100% match rather than 99.8% and would cause negligible interference to any digital or NTSC stations (less than 0.05%).

Should the Commission prefer moving the proposed NTSC channel 23 in Charleston, WV, the TV channel spacing study shows channels 55 and 58 open to such a change. The OET FLR studies show negligible (0.04% loss) to any NTSC or DTV stations. Also, the attached list of digital channels within 300 km shows no conflict on channel 50 with any digital channels.


Pete E Myrl Warren, III 4/17/98 Date
Whose qualifications are a matter of
record with the Commission

***** TV CHANNEL SPACING STUDY *****

Job title: CHARLESTON, wv
Channel: 55
Database file name: c:\tvsvr\tv980408.edx

Latitude: 38 25 34
Longitude: 81 58 25

| CH | Call | Record No. | City | ST | Z | STS | Bear. | Dist. | Reqd. Dist. | Result |
|-----|--------|------------|-------------|----|---|-----|-------|-------|----------------|--------|
| 40- | WLFB | 2416 | BLUEFIELD | WV | 1 | C | 154.8 | 148.0 | 119.9 | 28.1 |
| 69+ | ALLOTM | 2712 | PAINTSVILLE | KY | 2 | | 226.2 | 100.9 | 95.7 | 5.2 |
| 69+ | NEW | 2713 | PAINTSVILLE | KY | 2 | A | 226.2 | 100.8 | 95.7 | 5.1 |
| 69+ | NEW | 2714 | PAINTSVILLE | KY | 2 | A | 218.8 | 78.9 | 95.7 | -16.8 |
| 50- | ALLOTM | 2724 | ASHLAND | KY | 2 | | 273.9 | 58.2 | 31.4 | 26.8 |
| 55+ | ALLOTM | 2960 | HILLSBORO | OH | 1 | | 301.7 | 166.3 | 248.6 | -82.3 |

***** End of channel 55 study *****

***** TV CHANNEL SPACING STUDY *****

Job title: CHARLESTON, WV

Latitude: 38 25 34

Channel: 58

Longitude: 81 58 25

Database file name: c:\tvsrc\tv980408.edx

| CH | Call | Record No. | City | ST | Z | STS | Bear. | Dist. | Reqd. Dist. | Result |
|-----|--------|------------|-------------|----|---|-----|-------|-------|----------------|--------|
| 59- | WVSX | 2127 | LEWISBURG | WV | 1 | C | 122.9 | 132.7 | 87.7 | 45.0 |
| 57o | ALLOTM | 2436 | PARKERSBURG | WV | 1 | | 20.7 | 99.8 | 87.7 | 12.1 |
| 51+ | ALLOTM | 2709 | PIKEVILLE | KY | 2 | | 204.2 | 116.4 | 95.7 | 20.7 |
| 50- | ALLOTM | 2724 | ASHLAND | KY | 2 | | 273.9 | 58.2 | 31.4 | 26.8 |
| 61+ | WTSF | 2726 | ASHLAND | KY | 2 | L | 269.0 | 37.4 | 31.4 | 6.0 |

***** End of channel 58 study *****

Study with Huntington as it is presently on Digital Channel 23

Run begins Thu Apr 16 14:19:54 1998, host gilwell

Analysis of: 3N WV HUNTINGTON

| | POPULATION | AREA (sq km) |
|--------------------------------|------------|--------------|
| within Noise Limited Contour | 1139156 | 31816.2 |
| not affected by terrain losses | 1067300 | 30025.4 |
| lost to NTSC IX | 69101 | 2720.4 |
| lost to additional IX by ATV | 212 | 28.2 |
| lost to all IX | 69313 | 2748.6 |

Analysis of: 23A WV HUNTINGTON

HAAT 388.0 m, ATV ERP 444.5 kW

| | POPULATION | AREA (sq km) |
|--------------------------------|------------|--------------|
| within Noise Limited Contour | 1139156 | 31816.2 |
| not affected by terrain losses | 1079976 | 30431.9 |
| lost to NTSC IX | 10730 | 301.8 |
| lost to additional IX by ATV | 759 | 40.2 |
| lost to ATV IX only | 1441 | 68.4 |
| lost to all IX | 11489 | 342.1 |
| percent match ATV/NTSC | 99.8 | 99.6 |

Analysis of: 2N TN SNEEDVILLE

| | POPULATION | AREA (sq km) |
|--------------------------------|------------|--------------|
| within Noise Limited Contour | 2041250 | 48010.6 |
| not affected by terrain losses | 1813466 | 41833.6 |
| lost to NTSC IX | 154204 | 2982.7 |
| lost to additional IX by ATV | 0 | 0.0 |
| lost to all IX | 154204 | 2982.7 |

Analysis of: 41A TN SNEEDVILLE

HAAT 536.0 m, ATV ERP 1000.0 kW, Cap Adj 3.4 dB 90.0 deg T, F/B = 0.8 dB

| | POPULATION | AREA (sq km) |
|--------------------------------|------------|--------------|
| within Noise Limited Contour | 2041250 | 48010.6 |
| not affected by terrain losses | 1664694 | 37449.4 |
| lost to NTSC IX | 19535 | 527.1 |
| lost to additional IX by ATV | 16286 | 598.9 |
| lost to ATV IX only | 25302 | 794.6 |
| lost to all IX | 35821 | 1126.0 |
| percent match ATV/NTSC | 92.2 | 90.1 |

Analysis of: 2N OH DAYTON

| | POPULATION | AREA (sq km) |
|--------------------------------|------------|--------------|
| within Noise Limited Contour | 3549657 | 33806.3 |
| not affected by terrain losses | 3452236 | 32000.7 |
| lost to NTSC IX | 403474 | 8459.6 |
| lost to additional IX by ATV | 3947 | 212.2 |
| lost to all IX | 407421 | 8671.8 |

Analysis of: 50A OH DAYTON

HAAT 305.0 m, ATV ERP 1000.0 kW, Cap Adj 4.5 dB 315.0 deg T, F/B = 0.7 dB

| | POPULATION | AREA (sq km) |
|--------------------------------|------------|--------------|
| within Noise Limited Contour | 3549657 | 33806.3 |
| not affected by terrain losses | 3478341 | 32605.2 |
| lost to NTSC IX | 53506 | 880.8 |
| lost to additional IX by ATV | 2544 | 124.1 |
| lost to ATV IX only | 20477 | 304.3 |
| lost to all IX | 56050 | 1004.9 |
| percent match ATV/NTSC | 100.0 | 99.7 |

Finished Thu Apr 16 15:32:19; run time 0:18:31

56140 calls to Longley-Rice; path distance increment 1.00 km

Study with Huntington Digital Channel 23 moved to Digital Channel 2

Run begins Thu Apr 16 15:22:24 1998, host providence

Analysis of: 3N WV HUNTINGTON

| | POPULATION | AREA (sq km) |
|--------------------------------|------------|--------------|
| within Noise Limited Contour | 1139156 | 31816.2 |
| not affected by terrain losses | 1067300 | 30025.4 |
| lost to NTSC IX | 69150 | 2724.5 |
| lost to additional IX by ATV | 212 | 28.2 |
| lost to all IX | 69362 | 2752.6 |

Analysis of: 2A WV HUNTINGTON

HAAT 388.0 m, ATV ERP 3.2 kW, direction 135.0 degrees T, F/B = 0.5 dB

| | POPULATION | AREA (sq km) |
|--------------------------------|------------|--------------|
| within Noise Limited Contour | 1139156 | 31816.2 |
| not affected by terrain losses | 1098853 | 30777.9 |
| lost to NTSC IX | 32873 | 889.4 |
| lost to additional IX by ATV | 429 | 32.2 |
| lost to ATV IX only | 9139 | 173.0 |
| lost to all IX | 33302 | 921.6 |
| percent match ATV/NTSC | 100.0 | 99.7 |

Analysis of: 2N TN SNEEDVILLE

| | POPULATION | AREA (sq km) |
|--------------------------------|------------|--------------|
| within Noise Limited Contour | 2041250 | 48010.6 |
| not affected by terrain losses | 1813466 | 41833.6 |
| lost to NTSC IX | 154204 | 2982.7 |
| lost to additional IX by ATV | 11185 | 515.1 |
| lost to all IX | 165389 | 3497.8 |

Analysis of: 41A TN SNEEDVILLE

HAAT 536.0 m, ATV ERP 1000.0 kW, Cap Adj 3.4 dB 90.0 deg T, F/B = 0.8 dB

| | POPULATION | AREA (sq km) |
|--------------------------------|------------|--------------|
| within Noise Limited Contour | 2041250 | 48010.6 |
| not affected by terrain losses | 1664694 | 37449.4 |
| lost to NTSC IX | 19535 | 527.1 |
| lost to additional IX by ATV | 16286 | 598.9 |
| lost to ATV IX only | 25302 | 794.6 |
| lost to all IX | 35821 | 1126.0 |
| percent match ATV/NTSC | 92.2 | 90.1 |

Analysis of: 2N OH DAYTON

| | POPULATION | AREA (sq km) |
|--------------------------------|------------|--------------|
| within Noise Limited Contour | 3549657 | 33806.3 |
| not affected by terrain losses | 3452236 | 32000.7 |
| lost to NTSC IX | 403474 | 8459.6 |
| lost to additional IX by ATV | 62280 | 1957.8 |
| lost to all IX | 465754 | 10417.3 |

Analysis of: 50A OH DAYTON

HAAT 305.0 m, ATV ERP 1000.0 kW, Cap Adj 4.5 dB 315.0 deg T, F/B = 0.7 dB

| | POPULATION | AREA (sq km) |
|--------------------------------|------------|--------------|
| within Noise Limited Contour | 3549657 | 33806.3 |
| not affected by terrain losses | 3478341 | 32605.2 |
| lost to NTSC IX | 53506 | 880.8 |
| lost to additional IX by ATV | 2544 | 124.1 |
| lost to ATV IX only | 20477 | 304.3 |
| lost to all IX | 56050 | 1004.9 |
| percent match ATV/NTSC | 100.0 | 99.7 |

Finished Thu Apr 16 16:33:01; run time 0:19:39

63167 calls to Longley-Rice; path distance increment 1.00 km

Charleston, WV

Computing Tools FCC Database Reports Rev 1.4

Digital TV Stations within 300.000 of 038-25-34 081-58-25

Accuracy and completeness of these results is NOT assured.

| St City | channel | latitude | longitude | distance, (km), | bearing (degrees) |
|------------------|---------|----------|-----------|--------------------|----------------------|
| VA Roanoke | 3 | 37-11-45 | 080-09-18 | 210.458, | 130.45266 |
| KY Danville | 4 | 37-47-18 | 084-40-49 | 247.723, | 253.39533 |
| KY Beattyville | 7 | 37-36-23 | 083-41-16 | 175.891, | 238.85005 |
| OH Cincinnati | 10 | 39-07-31 | 084-29-57 | 232.794, | 289.47536 |
| VA Staunton | 11 | 38-09-54 | 079-18-51 | 234.449, | 97.10123 |
| KY Hazard | 12 | 37-11-38 | 083-10-52 | 173.238, | 217.86472 |
| OH Mansfield | 12 | 40-45-50 | 082-37-04 | 265.384, | 347.96546 |
| OH Columbus | 13 | 39-56-16 | 083-01-16 | 190.672, | 331.66067 |
| KY Somerset | 14 | 37-10-00 | 084-49-28 | 287.381, | 240.89484 |
| OH Columbus | 14 | 39-58-15 | 083-01-39 | 194.159, | 332.03696 |
| WV Bluefield | 14 | 37-13-08 | 081-15-39 | 147.959, | 154.90299 |
| KY Morehead | 15 | 38-10-38 | 083-24-18 | 128.220, | 257.55736 |
| KY Hazard | 16 | 37-11-34 | 083-11-16 | 173.697, | 217.99284 |
| OH Portsmouth | 17 | 38-45-42 | 083-03-41 | 101.826, | 291.45708 |
| VA Roanoke | 17 | 37-11-46 | 080-09-16 | 210.475, | 130.43769 |
| OH Springfield | 18 | 39-54-33 | 083-51-36 | 231.702, | 315.28234 |
| VA Roanoke | 18 | 37-11-42 | 080-09-22 | 210.444, | 130.48895 |
| WV Charleston | 19 | 38-25-15 | 081-55-27 | 4.357, | 97.72671 |
| VA Lynchburg | 20 | 37-19-14 | 079-37-59 | 239.721, | 120.78882 |
| KY Morehead | 21 | 38-17-25 | 083-22-56 | 124.040, | 263.01820 |
| OH Columbus | 21 | 39-58-16 | 083-01-40 | 194.197, | 332.03502 |
| KY Lexington | 22 | 38-03-56 | 084-29-13 | 223.629, | 259.69066 |
| TN Jellico | 23 | 36-24-36 | 084-10-38 | 296.849, | 221.08251 |
| WV Huntington | 23 | 38-30-34 | 082-13-09 | 23.342, | 293.34688 |
| KY Covington | 24 | 39-01-50 | 084-30-23 | 230.242, | 286.94331 |
| KY Pikeville | 24 | 37-17-06 | 082-31-29 | 135.623, | 200.95415 |
| OH Newark | 24 | 39-56-53 | 082-24-33 | 173.102, | 347.44373 |
| PA Pittsburgh | 25 | 40-29-38 | 080-01-09 | 284.599, | 36.23084 |
| KY Ashland | 26 | 38-27-43 | 082-37-12 | 56.571, | 274.03186 |
| PA Pittsburgh | 26 | 40-26-46 | 079-57-51 | 283.238, | 37.64734 |
| OH Athens | 27 | 39-18-50 | 082-08-54 | 99.713, | 351.25292 |
| TN Kingsport | 27 | 36-25-54 | 082-08-15 | 221.825, | 183.74949 |
| OH Oxford | 28 | 39-30-26 | 084-44-09 | 267.799, | 296.62574 |
| VA Bristol | 28 | 36-26-57 | 082-06-31 | 219.733, | 183.11691 |
| WV Clarksburg | 28 | 39-1-02 | 080-20-37 | 156.207, | 65.16088 |
| KY Newport | 29 | 39-07-19 | 084-32-52 | 236.665, | 289.04950 |
| NC Winston-Salem | 29 | 36-22-37 | 080-22-08 | 268.160, | 148.00383 |
| OH Dayton | 30 | 39-43-28 | 084-15-18 | 244.440, | 306.13221 |
| VA Roanoke | 30 | 37-12-02 | 080-08-55 | 210.543, | 130.24571 |
| NC Winston-Salem | 31 | 36-22-31 | 080-22-27 | 268.070, | 148.10919 |
| OH Cincinnati | 31 | 39-06-58 | 084-30-05 | 232.652, | 289.22207 |
| NC Winston-Salem | 32 | 36-22-34 | 080-22-14 | 268.161, | 148.04089 |
| VA Norton | 32 | 36-53-52 | 082-37-22 | 179.036, | 198.65902 |
| WV Wheeling | 32 | 40-03-41 | 080-45-08 | 209.945, | 30.14844 |
| OH Cincinnati | 33 | 39-12-01 | 084-31-22 | 237.504, | 291.21364 |
| WV Morgantown | 33 | 39-41-45 | 079-45-45 | 237.688, | 53.62730 |
| OH Cincinnati | 34 | 39-07-30 | 084-31-18 | 234.628, | 289.30903 |
| WV Huntington | 34 | 38-29-41 | 082-12-03 | 21.245, | 291.00761 |
| OH Cambridge | 35 | 40-05-32 | 081-17-19 | 194.188, | 17.72599 |
| OH Cincinnati | 35 | 39-07-27 | 084-31-18 | 234.599, | 289.28761 |

| | | | | | |
|-----------------|----|----------|-----------|----------|-----------|
| OH Columbus | 36 | 40-09-33 | 082-55-21 | 209.093, | 336.95171 |
| VA Roanoke | 36 | 37-11-35 | 080-09-29 | 210.456, | 130.56352 |
| OH Columbus | 38 | 40-09-34 | 082-55-22 | 209.131, | 336.94901 |
| PA Pittsburgh | 38 | 40-26-46 | 079-57-51 | 283.238, | 37.64734 |
| TN Greeneville | 38 | 36-01-24 | 082-42-56 | 274.669, | 193.87107 |
| IN Richmond | 39 | 39-30-44 | 084-38-09 | 260.330, | 297.59067 |
| OH Canton | 39 | 40-51-04 | 081-16-37 | 275.799, | 12.52365 |
| WV Charleston | 39 | 38-28-12 | 081-46-35 | 17.893, | 74.20044 |
| KY Lexington | 40 | 38-02-03 | 084-23-39 | 216.362, | 258.40008 |
| OH Zanesville | 40 | 39-55-42 | 081-59-06 | 166.775, | 359.66190 |
| OH Dayton | 41 | 39-44-02 | 084-14-52 | 244.546, | 306.41880 |
| TN Sneedville | 41 | 36-22-52 | 083-10-48 | 250.839, | 205.20330 |
| WV Charleston | 41 | 38-24-28 | 081-54-13 | 6.443, | 108.41150 |
| KY Lexington | 42 | 37-52-45 | 084-19-33 | 214.930, | 253.59289 |
| PA Pittsburgh | 42 | 40-26-23 | 079-43-11 | 296.031, | 40.95954 |
| VA Marion | 42 | 36-54-01 | 081-32-35 | 173.558, | 167.35616 |
| OH Portsmouth | 43 | 38-45-42 | 083-03-41 | 101.826, | 291.45708 |
| PA Pittsburgh | 43 | 40-29-43 | 080-00-17 | 285.458, | 36.41355 |
| KY Ashland | 44 | 38-25-11 | 082-24-06 | 37.388, | 268.91314 |
| KY Owenton | 44 | 38-31-32 | 084-48-40 | 247.858, | 272.55258 |
| OH Alliance | 46 | 40-54-23 | 080-54-40 | 290.077, | 18.31907 |
| OH Chillicothe | 46 | 39-35-20 | 083-06-44 | 162.449, | 322.61856 |
| WV Bluefield | 46 | 37-15-21 | 081-10-55 | 147.403, | 151.78662 |
| PA Pittsburgh | 48 | 40-27-48 | 080-00-18 | 282.620, | 36.84285 |
| WV Lewisburg | 48 | 37-46-22 | 080-42-25 | 132.678, | 123.13174 |
| VA Grundy | 49 | 36-49-47 | 082-04-45 | 177.423, | 183.01050 |
| VA Harrisonburg | 49 | 38-36-05 | 078-37-57 | 292.055, | 86.18016 |
| WV Parkersburg | 49 | 39-20-59 | 081-33-56 | 108.472, | 19.05029 |
| OH Akron | 50 | 41-04-58 | 081-38-00 | 296.402, | 5.64631 |
| OH Dayton | 50 | 39-43-07 | 084-15-22 | 244.143, | 305.99503 |
| PA Greensburg | 50 | 40-23-30 | 079-46-51 | 288.595, | 40.87487 |
| WV Oak Hill | 50 | 37-57-30 | 081-09-03 | 88.833, | 125.76705 |
| KY Harlan | 51 | 36-48-00 | 083-22-36 | 218.903, | 214.46622 |
| OH Dayton | 51 | 39-43-15 | 084-15-39 | 244.616, | 305.98595 |
| PA Pittsburgh | 51 | 40-16-49 | 079-48-11 | 278.170, | 42.26724 |
| WV Clarksburg | 52 | 39-17-06 | 080-19-46 | 171.639, | 56.25484 |
| WV Grandview | 53 | 37-53-46 | 080-59-21 | 104.426, | 124.28779 |
| MD Oakland | 54 | 39-24-14 | 079-17-37 | 256.537, | 64.96860 |
| NC Linville | 54 | 36-03-47 | 081-50-33 | 262.509, | 177.46008 |
| WV Huntington | 54 | 38-30-21 | 082-12-33 | 22.382, | 293.28962 |
| VA Lynchburg | 56 | 37-18-52 | 079-38-04 | 239.972, | 120.94183 |
| OH Steubenville | 57 | 40-19-06 | 080-24-07 | 249.949, | 32.80978 |
| OH Dayton | 58 | 39-43-16 | 084-15-00 | 243.876, | 306.12129 |
| TN Johnson City | 58 | 36-25-55 | 082-08-15 | 221.794, | 183.75000 |
| WV Weston | 58 | 39-04-27 | 080-25-28 | 152.683, | 61.88972 |
| KY Lexington | 59 | 38-02-22 | 084-24-11 | 217.000, | 258.59251 |
| OH Akron | 59 | 41-03-51 | 081-34-59 | 294.804, | 6.52011 |

End of report.

CERTIFICATE OF SERVICE

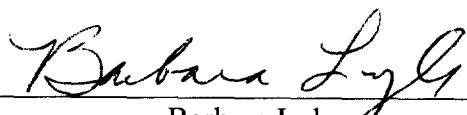
I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., hereby certify that on this 20th day of April, 1998, copies of the foregoing "Petition for Reconsideration" were hand delivered or mailed first-class, postage pre-paid, to the following:

Roy J. Stewart, Chief*
Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W., Room 314
Washington, DC 20554

Mr. Bruce A. Franca*
Office of Engineering and Technology
Federal Communications Commission
Room 416
2000 M Street, N.W.
Washington, D.C. 20554

Barbara A. Kreisman, Chief*
Video Services Division
Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W., Room 702
Washington, DC 20554

Station WSAZ-TV
Lee Enterprises, Inc.
645 Fifth Avenue
Huntington, WV 25721



Barbara Lyle

* Hand Delivered